

Senate File 259 - Introduced

SENATE FILE 259

BY PETERSEN

A BILL FOR

1 An Act modifying the periods of time to bring certain civil
2 actions, including by victims of sexual abuse, minors, and
3 persons with mental illness, entitling certain cases to a
4 preference in trial order, and including effective date
5 provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.1205, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* The district court shall try civil
4 cases in the order in which cases are initiated by the filing
5 of a petition, provided that the following cases shall be
6 entitled to a preference:

7 (1) Actions that have been revived pursuant to section
8 614.1, subsection 12, paragraph "b", or section 614.8A,
9 subsection 2. This subparagraph is repealed July 1, 2029.

10 (2) An action in which the interests of justice, as
11 determined by the supreme court, will be served by early trial.

12 *b.* The supreme court shall prescribe rules to implement this
13 subsection.

14 Sec. 2. Section 614.1, subsection 12, Code 2023, is amended
15 to read as follows:

16 12. *Sexual abuse or sexual exploitation by a counselor,*
17 *therapist, school employee, or adult providing training or*
18 *instruction. An*

19 *a.* If the victim was a student, an action for damages for
20 injury suffered as a result of sexual abuse, as defined in
21 section 709.1, by a counselor, therapist, school employee, or
22 adult providing training or instruction, as defined in section
23 709.15, or as a result of sexual exploitation by a counselor,
24 therapist, school employee, or adult providing training or
25 instruction shall be brought within five years of the date
26 the victim was last treated by the counselor or therapist, or
27 within five years of the date the victim was last enrolled in
28 or attended the school may be brought at any time.

29 *b.* (1) Notwithstanding paragraph "a", every claim or
30 cause of action brought against any party alleging intentional
31 or negligent acts or omissions by a person for physical,
32 psychological, or other injury or condition suffered as
33 a result of conduct which would constitute sexual abuse,
34 as defined in section 709.1, by a counselor, therapist,
35 school employee, or adult providing training or instruction,

1 as defined in section 709.15, or as a result of sexual
2 exploitation by a counselor, therapist, school employee, or
3 adult providing training or instruction, which is barred as of
4 the effective date of this Act because the applicable period of
5 limitation has expired or the plaintiff previously failed to
6 file a petition, is hereby revived, and action thereon may be
7 commenced not later than three years after the effective date
8 of this Act.

9 (2) Dismissal of a previous action, ordered before the
10 effective date of this Act, on grounds that such previous
11 action was time-barred, or for failure of a party to file a
12 petition, shall not be grounds for dismissal of a revival
13 action pursuant to this paragraph.

14 (3) This paragraph is repealed July 1, 2029.

15 Sec. 3. Section 614.8, Code 2023, is amended to read as
16 follows:

17 **614.8 Minors and persons with mental illness.**

18 1. The Except as provided in section 614.1, subsection 12,
19 or section 614.8A, times limited for actions in this chapter,
20 or for complaints or claims in chapter 216, 669, or 670, except
21 those brought for penalties and forfeitures, are extended in
22 favor of persons with mental illness, so that they shall have
23 one year from and after the termination of the disability
24 within which to file a complaint pursuant to chapter 216, to
25 make a claim pursuant to chapter 669 or 670, or to otherwise
26 commence an action.

27 2. Except as provided in section 614.1, subsection 9 or
28 12, or section 614.8A, the times limited for actions in this
29 chapter, or for complaints or claims in chapter 216, 659A, 669,
30 or 670, except those brought for penalties and forfeitures, are
31 extended in favor of minors, so that they shall have one year
32 from and after attainment of majority within which to file a
33 complaint pursuant to chapter 216, to make a claim pursuant to
34 chapter 659A, 669, or 670, or to otherwise commence an action.

35 Sec. 4. Section 614.8A, Code 2023, is amended by striking

1 the section and inserting in lieu thereof the following:

2 **614.8A Commencement of action for minor or child sexual abuse**
3 **and other sexual offenses — no time limitation.**

4 1. Notwithstanding the times limited for actions in this
5 chapter, an action relating to injuries suffered as a result of
6 sexual abuse as defined in section 709.1, and injuries suffered
7 as a result of other sexual offenses including but not limited
8 to lascivious acts with a child in violation of section 709.8,
9 assault with intent to commit sexual abuse in violation of
10 section 709.11, indecent contact with a child in violation of
11 section 709.12, lascivious conduct with a minor in violation of
12 section 709.14, sexual misconduct with a juvenile in violation
13 of section 709.16, subsection 2, child endangerment in
14 violation of section 726.6, or sexual exploitation of a minor
15 in violation of section 728.12, which occurred when the injured
16 party was a minor may be brought at any time.

17 2. *a.* Notwithstanding subsection 1, every claim or cause
18 of action brought against any party alleging intentional
19 or negligent acts or omissions by a person for physical,
20 psychological, or other injury or condition suffered as a
21 result of conduct described in subsection 1, which is barred as
22 of the effective date of this Act because the applicable period
23 of limitation has expired or the plaintiff previously failed to
24 file a petition, is hereby revived, and action thereon may be
25 commenced not later than three years after the effective date
26 of this Act.

27 *b.* Dismissal of a previous action, ordered before the
28 effective date of this Act, on grounds that such previous
29 action was time-barred, or of failure of a party to file a
30 petition, shall not be grounds for dismissal of a revival
31 action pursuant to this section.

32 *c.* This subsection is repealed July 1, 2029.

33 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
34 importance, takes effect upon enactment.

35

EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill modifies the periods of time to bring civil actions
4 relating to young persons and persons with mental illness and
5 entitles certain cases to a preference in trial order.

6 Under current Code section 614.1(12), a civil action for
7 damages for injury suffered as result of sexual abuse or sexual
8 exploitation by a counselor, therapist, school employee, or
9 adult providing training or instruction can only be brought
10 within five years after the date that the victim was either
11 last treated by the counselor or therapist or last enrolled
12 in or attended the school. The bill amends this provision by
13 removing the age limit to include any student and allowing a
14 victim to bring an action for damages at any time.

15 Under current Code section 614.8, the applicable limitations
16 period in which to bring certain civil actions is extended
17 for persons with mental illness and minors. The bill amends
18 Code section 614.8 to exclude the provisions with no time
19 limitation under the bill and to specify that the extension
20 of the limitations period for persons with mental illness
21 and for minors applies to claims brought pursuant to Code
22 chapters 659A, 669, and 670, which are already mentioned at the
23 beginning of the applicable provisions.

24 Under Code section 614.8A, the bill extends the time for
25 filing a civil action relating to sexual abuse which occurred
26 when the injured person was a minor from one year after the
27 attainment of majority or within four years from the time
28 of discovery of both the injury and the causal relationship
29 between the injury and the sexual abuse to any time. The bill
30 also provides for the filing of civil actions for injuries
31 incurred from other sexual offenses.

32 The bill provides that claims related to offenses under the
33 bill that arise prior to the effective date of the bill must
34 be brought not later than three years after the effective date
35 of the bill. If an action was previously dismissed before

1 the effective date of the bill on the grounds that it was
2 time-barred or because the party failed to file a petition, the
3 party shall have a right to file a revival action.

4 The bill provides that the district court shall try civil
5 cases in the order in which cases are initiated by the filing
6 of a petition, but entitles cases to preference if the cases
7 have been revived pursuant to Code section 614.1(12)(b) or Code
8 section 615.8A(2) or actions in which the interests of justice,
9 as determined by the supreme court, will be served by early
10 trial.

11 The bill takes effect upon enactment.